



AMENDMENT AFTER FINAL REJECTION
EXPEDITED HANDLING REQUESTED - GAU 1652

00005.001198

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MASATO IKEDA, ET. AL.) Examiner: Christian L. Fronda
Application No.: 10/088,594) Group Art Unit: 1652
Filing Date: March 21, 2002)
For: NOVEL TRANSALDOLASE)
GENE) July 30, 2004

*Fee Response
only*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME AND AMENDMENT

Sir:

Applicants petition to extend the time for response to the Office Action dated April 6, 2004 to August 6, 2004. A check in the amount of \$110.00 for payment of the extension fee is enclosed. Please charge any additional fee required for the extension in connection with this paper, and credit any overpayment, to Deposit Account 06-1205.

In response to the Office Action dated April 6, 2004, please amend the application as follows:

08/03/2004 CCHAU1 00000110 10088594

01 FC:1251

110.00 DP

08/11/2004 STRAMPEL 00000001 061205 10088594
01 FC:1201 172.00 DA


acids may be different than SEQ 10 NO:1. This rejection is not well understood. The term "small" has been consistently held to be definite (Flexwood Co. v. Matt Faussner & Co., 64 USPQ 261; Ex parte Martinelk 159 USPQ 696; Ex parte Mosher, 136 USPQ 662). The difference between "small" and "few" is simply that the former deals with material and the latter with numbers; accordingly, the Examiner's basis of rejection is not well-founded in law. Additionally, "few" is plainly well-defined in every dictionary known and is certainly neither a term of this art, nor has it been redefined in the specification or used in some sort of contrary manner repugnant to its accepted meaning. Accordingly, the rejection is not well-founded on that basis, either. Withdrawal thereof is respectfully requested.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 4-8, 10, 11, 13-15 and 17 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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